

AMENDMENT TO DRAWINGS

The two replacement sheets of drawings attached as part of the Appendix include the changes to Figures 3a, 3b, 4a, and 4b to address the Examiner's objection to the drawings under 37 C.F.R. 1.83(a). The replacement sheets identify reference numerals 35 and 45, as discussed in the specification.

The enclosed two replacement sheets replace the replacement sheets of Figures 3a, 3b, 4a, and 4b submitted August 2, 2004.

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claim 29, 36, and 37 will have been amended to clarify the features recited in these claims. Accordingly, claims 20 – 43 will currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has indicated claims 29 – 32 and 35 – 43 contain allowable subject matter and would be allowable if presented in independent forms that include all the features of their base claims and any intervening claims. Further, the Examiner has objected to claim 29 based upon an informality and to the drawings for not showing each recited feature, and has rejected claims 20 – 28, 33, and 34 over the art of record. By the present amendment and remarks, Applicant submits that the objections and rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Acknowledgment of Allowable Subject Matter

Applicant gratefully acknowledges and agrees with the Examiner's indication of that claims 29 – 32 and 35 – 43 contain allowable subject matter and would be allowable if presented in independent forms that include all the features of their base claims and any intervening claims.

While Applicant has not presented any of these claims in independent and allowable form in response to the pending Office Action, the allowable subject matter contained in the identified claims is acknowledged.

Amendments to the Claims

Applicant notes the amendments to claims 29 and 36 have been made to correct obvious errors, such that no estoppel should be deemed to attach these minor formalistic changes.

Claim 37 has been amended to clarify the recited elements and their arrangement. With regard to the amendment, Applicant notes the amendment does not narrow the scope of the claim, nor has this amendment been made to address prior art or any formal rejection. Therefore, no estoppel should be deemed to attach this non-narrowing, clarifying amendment.

Objection for Informality is Moot

By the present amendment to claim 29, Applicant submits the objection to claim 29 for an informality is now moot. In particular, claim 29 has been amended in accordance with the Examiner's suggestions to correct an obvious misspelling.

Accordingly, reconsideration and withdrawal of the objection is requested.

Traversal of Objection to the Drawings

Applicants traverse the objection to the objection to the drawings as failing to show each recited element of the claims is now moot.

Referring to the objection based upon claim 36, Applicant directs the Examiner's attention to Figures 3a and 3b and to closed further volume R, as described in paragraph [0043]. As these figures illustrate the subject matter recited in claim 36, Applicant submits the objection to the drawings is moot.

By the present amendment claim 37 has been amended to clarify the recited features. With regard to the amendment, Applicant notes the amendment does not

narrow the scope of the claim, nor has this amendment been made to address prior art or any formal rejection. However, Applicant submits, as the subject matter recited in claim 37 is illustrated in Figures 4a and 4b, the objection to the drawings is moot.

Further, Applicant, by the present amendment, has submitted replacement sheets containing Figures 3a and 3b, which with the text of paragraph [0044] renders moot the objection to claim 36. Moreover, by the present amendment, Applicant has submitted replacement sheets containing Figures 4a and 4b, which with the text of paragraph [0045] renders moot the objection to claim 37.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the objection to the drawings under 37 C.F.R. 1.83(a) and indicate these drawings are in conformance with the Patent Office Rules.

Traversal of Rejection Under 35 U.S.C. § 102(b)

Applicant traverses the rejection of claims 20 – 28 under 35 U.S.C. § 102(b) as being anticipated by CAREY (U.S. Patent No. 3,711,027). The Examiner asserts CAREY shows all of the recited features of the claims, including a first part 16, a second part 18, and rolling bellows 15. Applicant traverses the Examiner's assertions.

Applicant's independent claim 20 recites, *inter alia*, a first part and a second part, wherein said first part, which has a smaller diameter than said second part, is fixedly arranged on a motor of the rocket engine and said second part is arranged in a flexible manner with respect to the first part, such that, in a front stowed position, said second part is located to surround said first part and, in a rear operating position, is located to continue the first part; *a closed volume acted on by a gaseous fluid, which, when acted on by the gaseous fluid by enlargement of the volume, said first and second parts are*

structured and arranged to extend said second part from said front stowed position into said rear operating position; and said closed volume being formed at least in part by a deformable rolling bellows arrangement coupled between said second part and a fixed part of one of the rocket engine, the aircraft, or the spacecraft. Applicant submits CAREY fails to show each of the above-noted features of the invention.

While the Examiner asserts element 15 of CAREY is a rolling bellows, Applicant submits the express disclosure of CAREY fails to support the Examiner's asserted position. In this regards, CAREY discloses an intermediate larger diameter portion 15 of a nozzle structure that is initially inter-rolled into a convolute form. As described, this inter-rolled portion of the nozzle structure including portions 15 and 16 are, at best, flexible so as to unroll as outer portion 18 extends away from inner portion 16.

However, there is no arguable disclosure that intermediate portion 15 forms *closed volume acted on by a gaseous fluid, which, when acted on by the gaseous fluid by enlargement of the volume, said first and second parts are structured and arranged to extend said second part from said front stowed position into said rear operating position.* Instead, it appears, at best, as a temporary cover is placed on rim 24 to render the entire cone 10 a pressure tight chamber, the build up of gas pressure within the entirety of covered cone 10 causes the unrolling of intermediate portion 15.

However, this reading of CAREY ignores the other recited features regarding the closed volume, such that the closed volume is *formed at least in part by a deformable rolling bellows arrangement coupled between said second part and a fixed part of one of the rocket engine, the aircraft, or the spacecraft.* Thus, even assuming, *arguendo*, intermediate portion 15 of CAREY were in fact a closed volume (which Applicant

submits it is not) and even assuming, *arguendo*, one could reasonably consider intermediate portion 15 of CAREY as a deformable rolling bellows (which Applicant submits it cannot), Applicant submits there is no disclosure of a deformable rolling bellows arrangement *coupled between said second part and a fixed part of one of the rocket engine, the aircraft, or the spacecraft.*

In contrast to the expressly recited features of the invention, intermediate portion 15 of CAREY is coupled between mounting end 16 and still larger diameter portion 18, and not to a *fixed part of one of the rocket engine, the aircraft, or the spacecraft.*

As CAREY fails to show at least the above-noted features of the invention, Applicant submits the art of record fails to show each and every recited feature of the invention. Therefore, Applicant submits the Examiner has failed to establish an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(b), such that the pending rejection is improper and should be withdrawn.

Further, Applicant submits that claims 21 – 28 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits CAREY fails to anticipate each and every recited feature of at least claims 21 – 28, such that the rejections of these claims are likewise improper and should be withdrawn.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 20 – 28 under 35 U.S.C. § 102(b) and indicate these claims are allowable in the next official communication.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicant traverses the rejection of claims 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over CAREY in view of WILLIS (U.S. Patent No. 4,676,436). The Examiner acknowledges CAREY does not show a retaining device to brake movement of second part during extension of the second part, but asserts it would have been obvious to include such device in view of the disclosure of WILLIS. Applicant traverses the Examiner's assertions.

Applicant notes WILLIS is directed to a linkage and support system connecting two sections of a nozzle. However, like CAREY, WILLIS fails to disclose a closed volume formed at least in part by a *rolling bellows arrangement coupled between said second part and a fixed part of one of the rocket engine, the aircraft, or the spacecraft*.

As neither of the applied documents discloses the above-noted feature of at least independent claim 20, Applicant submits no proper combination of these documents can render unpatentable the invention recited in at least independent claim 20.

Further, as WILLIS fails to provide any arguable disclosure of a closed volume for moving one portion of the nozzle relative to another portion, Applicant submits this document fails to provide any articulated reasoning or rationale for modifying CAREY in any manner that would render the invention recited in at least independent claim 20 obvious under 35 U.S.C. § 103(a).

Moreover, Applicant submits that claims 33 and 34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits CAREY fails to anticipate each and every recited feature of at least

claims 33 and 34, such that the rejections of these claims are likewise improper and should be withdrawn.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 33 and 34 under 35 U.S.C. § 103(a) and indicate these claims are allowable in the next official communication.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

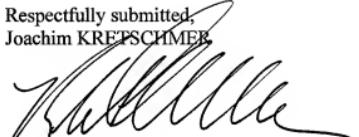
CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 20 – 43. The claims have been amended to eliminate any arguable basis for rejection under 35 U.S.C. § 112. In addition, the applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Joachim KREPSCHMER


Neil F. Greenblum
Reg. No. 28,394


Robert W. Mueller
Reg. No. 35,043

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191